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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 LYNDA D. BROWN,

11 Plaintiff,

12 v.

13 MTC FINANCIAL INC., *et al.*,

14 Defendants.  
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Case No. 2:11-CV-01228-KJD-PAL

**ORDER**

16 On November 23, 2011, the Court granted (#21), in part, Defendant MTC Financial, Inc.'s  
17 motion to dismiss. The Court granted Plaintiff leave to amend some claims, but noted that survival  
18 of the action against all defendants required damages. The Court noted inconsistencies in Plaintiff's  
19 allegations and ordered Plaintiff to provide preliminary evidence of the value of the property that was  
20 foreclosed on, so that the Court could determine whether Plaintiff had raised issues requiring  
21 discovery into whether Plaintiff had been damaged by the alleged wrongful foreclosure. The Court  
22 warned Plaintiff that failure to respond would result in Plaintiff's complaint being dismissed.  
23 Plaintiff's response was due no later than December 14, 2011. However, Plaintiff has failed to file  
24 any response to the Court's order, including an amended complaint.

25 Therefore, in accordance with the Court's prior order (#21), Plaintiff's complaint is dismissed  
26 with prejudice. Even if Plaintiff were to prove that she had been promised in writing that no

1 foreclosure actions would we taken without notice, in writing, to her, she has not sufficiently alleged  
2 that she was damaged by the foreclosure or that she was not sent written notice. Therefore, the  
3 claims against MTC Financial and Ocwen must be dismissed. Furthermore, since the Court has  
4 already held that Plaintiff failed to timely file her complaint to set aside the foreclosure, the action  
5 against Federal Home Loan Mortgage Corporation must be dismissed with prejudice.

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED with**  
7 **prejudice;**

8 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for Defendants  
9 and against Plaintiff.

10 DATED this 28<sup>th</sup> day of December 2011.

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14 Kent J. Dawson  
15 United States District Judge  
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